

beneficiaries thereof, and we ask that Jefferson county be not included in a Congressional District which contains the ports of Galveston, Texas City, Port Bolivar and Houston.

BEAUMONT CHAMBER OF COMMERCE.

TWENTY-FOURTH DAY.

Senate Chamber,
Austin, Texas,
Saturday, Aug. 26, 1911.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Davidson.

Roll called, quorum being present, the following Senators answering to their names:

Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watscn.
Murray.	Weinert.
Paulus.	

Absent.

Adams.	Hume.
Astin.	Meachum.

Absent—Excused.

McNealus.	Terrell, McLennan.
Ratliff.	Willacy.

Pending the reading of the Journal of yesterday, on motion of Senator Mayfield, the same was dispensed with.

See Appendix for standing committee reports.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, Aug. 26, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed with following bills:

Senate bill No. 25, A bill to be entitled "An Act to reorganize the Twenty-eighth Judicial District of the State of Texas, to fix the times

for holding the terms of district court therein; to make all process heretofore issued as well as all bonds and recognizances heretofore entered into conform thereto; and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency," with amendments.

Senate bill No. 60, A bill to be entitled "An Act to change and prescribe the time for holding district court in the Fifty-fourth Judicial District of Texas, and to repeal all laws in conflict herewith, and declaring an emergency."

House bill No. 89, A bill to be entitled "An Act to amend Section 21g, of Chapter 91, Special Laws, page 645 of the Regular Session of the Thirty-first Legislature, approved March 24, 1911, entitled 'An Act to amend an Act entitled an Act to incorporate the city of Waco and to define its boundaries and powers, passed by the Twenty-first Legislature and approved February 19, 1889, said Act to be amended by amending Section 1 of said Act as amended by the Act of the Twenty-sixth Legislature, Chapter 13, page 178, Section 1, Special Laws of Texas, 1899, as amended by an Act of the Twenty-eighth Legislature, Sections 1 and 2, Chapter 30, page 238, Special Laws of Texas, 1903, as amended by an Act of the Twenty-ninth Legislature, Section 1, Chapter 20, pages 200 and 203, inclusive, Special Laws of Texas, 1905, as amended by another Act of the Twenty-ninth Legislature, Section 2, pages 340-341, Chapter 45, Special Laws of Texas, 1905, by defining the boundaries of the city of Waco, and including additional territory within the corporate limits of the said city, regulating taxes on additional property taken in, and further amending said Act of 1889, as amended by Section 6 of an Act passed by the Twenty-ninth Legislature, Chapter 25, Special Laws of Texas, 1905, pages 216-219, inclusive, approved March 30, 1905, which said Section 6 of said Act of 1905 amends said Act of 1889, by adding thereto Section 21g, which said Section 6, so including Section 21, is here amended, as pertaining to further and cumulative authority to regulate the sale of intoxicating liquors in said city, and further amending said Act of 1889 by adding thereto, granting additional authority with reference to expending public funds, and declaring

an emergency,' so as to authorize and empower the Board of Commissioners of the city of Waco to fix the hours for the opening and closing of saloons, or any beer saloon, grog shop, tippling house, or place where spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication are sold at retail within the corporate limits of the city of Waco, and by adding Section 21gg, providing that any ordinance passed under the provisions of this Act shall not take effect until approved by a majority of the qualified voters voting upon said proposition at any regular or special election of the city of Waco, and repealing all laws in conflict herewith, and declaring an emergency."

Also concurs in Senate amendments to House bill No. 10 by the following vote, yeas 70, nays 27.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House bill:

House bill No. 89, referred to Committee on Towns and City Corporations.

SENATE BILL NO. 25.

Senator Watson called up as a privilege matter.

Senate bill No. 25. A bill to be entitled "An Act to reorganize the Twenty-eighth Judicial District of the State of Texas, to fix the times for holding the terms of district court therein; to make all process heretofore issued, as well as all bonds and recognizances heretofore entered into, conform thereto; and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency," with the following House amendments:

House amendments to Senate bill No. 25. Amend Senate bill No. 25 by striking out all after the enacting clause and insert the following:

Section 1. The Twenty-eighth Judicial District of the State of Texas shall be composed of the counties of Starr, Hidalgo, Cameron, Willacy, Nueces, Jim Wells, Duval and Brooks, and the district court shall be begun

and holden in the said counties as follows:

In the county of Starr on the second Monday in March and the second Monday in October of each year and may continue in session two weeks.

In the county of Hidalgo on the second Monday after the second Monday in March and October of each year, and may continue in session three weeks.

In the county of Cameron on the fifth Monday after the second Monday in March and October of each year, and may continue in session five weeks.

In the county of Willacy on the tenth Monday after the second Monday in March and October of each year, and may continue in session one week.

In the county of Brooks on the eleventh Monday after the second Monday in March and October of each year, and may continue in session two weeks.

In the county of Duval on the thirteenth Monday after the second Monday in March and October of each year, and may continue in session two weeks.

In the county of Jim Wells on the fifteenth Monday after the second Monday in March and October of each year, and may continue in session two weeks.

In the county of Nueces on the seventeenth Monday after the second Monday in March and October of each year, and may continue in session five weeks.

Sec. 2. All process, writs and bonds issued or executed prior to the taking effect of this Act, and returnable to the terms of said court, as heretofore fixed by law in the several counties composing the said district, are hereby made returnable to the terms of said court in the said several counties as fixed by this Act, and all process heretofore returnable, as well as all bonds and recognizances heretofore entered into, in any of said courts, shall be as valid and binding as if no change had been made by this Act in the time of holding said terms of court.

Sec. 3. All laws and parts of laws in conflict with this Act are hereby repealed.

Sec. 4. The crowded condition of the dockets in the said district and the near approach of the adjournment of this session of the Legislature creates an imperative public necessity

demanding the suspension of the constitutional rule requiring bills to be read on three several days in each House, and said rule is now here suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The above amendments were read, and,

Senator Watson moved that the Senate concur in the above House amendments, which motion prevailed by the following vote.

Yeas—22.

Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Warren.
Mayfield.	Watson.
Paulus.	Weinert.

Absent.

Adams.	Meachum.
Astin.	Murray.
Hume.	Ward.

Absent—Excused.

McNealus.	Willacy.
Ratliff.	

Morning call concluded.

• CONTEMPT PROCEEDINGS— TRIAL OF.

The Senate resumed the pending business, the contempt proceedings.

(Senator Meachum in the chair.)

(Pending discussion, Lieutenant Governor Davidson resumed the chair.)

At the conclusion of the debate on the pending business, Senator Vaughan offered the following resolution:

SIMPLE RESOLUTION.

Whereas, On the third day of August, 1911, the Senate of the State of Texas, then in session in the city of Austin, Travis county, Texas, duly and legally adopted the following resolution, to wit:

By Senator Vaughan et al.:

Whereas, The preservation of free government and of the right of the people to control their governmental affairs depends upon maintaining and safeguarding the purity and freedom and honesty of the ballot and the uncorrupted independence of the voters—in short, upon a patriotic and uncorrupted ballot properly safeguarded so as to secure it against any improper influence and to insure that it will be counted as cast by the voters, and

Whereas, The laws of this State regulating elections have been recently enacted and changed many times during recent years, and are in need of revision and amendment, as has been generally admitted by many eminent citizens familiar with such laws and their operation, and

Whereas, The conduct of elections in recent years, particularly that held on the 22nd of July, 1911, will, if investigated, place this and future Legislatures of Texas in possession of information which will be very valuable for the purpose of promoting the formulation and passage of such laws as will properly safeguard the purity, freedom and honesty of the ballot and insure that it will be counted as cast and returns of elections made in accordance with the ballots as cast, and

Whereas, It is charged and believed by a great number of citizens, and has been published in many newspapers throughout the State that large sums of money were used to influence the result of the election held on July 22, 1911, and the manner in which money was used in opposing the adoption of such amendment and the large amount alleged to have been used, has been challenged and criticised as having been improper, unlawful and against sound public policy; which charges, if true, demand further legislation that will prohibit the corruption of the ballot, and

Whereas, It has been charged by many persons of good standing that those engaged in operating breweries or interested therein, and those engaged in the business of selling intoxicating liquors have for many years maintained an organization of some kind for the purpose of collecting funds for improper use in elections in this State and in various counties and precincts in the State and for im-

proper use in influencing legislation in this State, and

Whereas, It has been frequently charged that funds collected from brewery owners and from liquor dealers have been used in promoting the candidacy of various candidates for office in this State, and

Whereas, It has been charged by many persons of good standing that various public officers of this State are upon the pay roll of such alleged organizations, and these charges, if true, demand legislation to secure disinterested public service upon the part of all public officials, and

Whereas, It has been charged by the Executive Committee of such State-wide Prohibition Amendment Association, through a report made by a sub-committee of such Executive Committee, which said report was signed by the following named citizens of Texas as members of said sub-committee: Thomas H. Ball, B. F. Looney, Thomas B. Love, W. J. McDonald, Cullen F. Thomas, D. E. Garrett, R. Harper Kirby, Jack Diss, W. T. Bartholomew, T. C. Harris, William E. Hawkins, B. H. Powell, J. S. Crumpton and Richard Mays, that the recent election held in this State on July 22nd, 1911, many fraudulent and illegal ballots were cast, and other methods of fraud and evasion of the election laws resorted to at said election, and other charges made concerning the purity of the ballot box, and

Whereas, Said parties charge that they have gone far enough into an investigation of such election to convince them to a moral certainty that the result of the election of July the 22nd, 1911, does not represent the verdict of a majority of the qualified voters of the State lawfully entitled to participate in the election, and

Whereas, Such committee charges that evidence has been submitted to them which convincingly shows that at the very inception of the contest over the State-wide prohibition amendment and in preparation therefor, that the liquor interests entered into a widespread conspiracy to control the election by the use of very large numbers of poll tax receipts illegally issued and that where sworn officers of the State, such as tax collectors, could be reached, poll tax receipts were procured directly from their offices and mailed to voters who had never applied for them or made the necessary affidavits, although the

receipts issued therefor showed upon their face that all the requisites of the law had been complied with, and

Whereas, It is further charged by said committee that in a number of counties it was the practice to have deputies, in some instances negroes, to go out and solicit the payment of poll taxes, their services being paid for by the liquor interests, which also paid for the poll tax receipts, and

Whereas, Said committee make many other charges which have been published in the daily press of this State, which, if true, render it necessary and proper that this investigation provided for in this resolution should be had to the end that further safeguards may be provided to secure the honesty and fairness of elections and the making of true returns thereof, and

Whereas, It becomes of vital importance to this or any subsequent Legislature, which may legislate for the purpose, of carrying out Section 4, of Article VI, of the Constitution, that the methods used to evade and violate the laws and destroy the purity of the ballot box shall be known in order that adequate laws preserving the purity of the ballot may be enacted by this or a subsequent Legislature, and the evidence of the violations and evasions of the laws preserved for the assistance of this or any subsequent Legislation which desires to legislate to protect the purity of the ballot box, and

Whereas, Unless an investigation be now made much evidence useful to future Legislatures will become inaccessible, therefore be it

Resolved by the Senate of Texas, That a committee of five (5) be elected by the Senate to conduct such investigation as may be lawful and proper for it to conduct to ascertain and report to the Senate upon the aforesaid matters and the following matters:

1. The amount of money used by any association of persons or person representing such in promoting and favoring, and the amount of money used by any organization or association of persons, or representative of such in opposing the prohibition amendment to the Constitution, voted upon on July 22, 1911, how such money was used, by whom used, from whom collected, or by whom contributed, for what purpose paid out, to whom paid out, including all mat-

ters in connection with such use and such expenditure of such money.

2. The fraudulent issuance of poll tax receipts, if any, and unlawful payment thereof, or use thereof, and the evasions, if any, of the provisions of the election law to prevent illegal and corrupt voting.

3. Any frauds committed in procuring naturalization papers, or filing declarations of intention of becoming a citizen.

4. Any illegal voting in such election and any fraud committed, and the failure, if any, of any of the officers of such election or any officers of any county to comply with the election laws.

5. What legislation, if any, is advisable to further safeguard elections against corruption, fraud and improper influences.

6. Whether or not there exists in this State an organization or association of any kind furnishing or expending money to improperly influence elections or legislation in this State, and the methods pursued by such organization, if any, in the conduct of its operation, and the amount of money that is being collected by such organization, the purpose for which it is being collected and how it is being expended, and whether or not the same is being expended in such manner as to contravene sound public policy, and what legislation, if any, may be necessary to remedy the evil.

7. To report generally upon such legislation as may be necessary to correct any or all of the evils, if any, in relation to these matters about which this investigation is directed.

In addition to the powers and authority conferred upon the committee hereby created, the said committee shall have all the power and authority granted to such committees by Chapter 7 of the General Laws of the State of Texas, passed at the Thirtieth Legislature at its Regular Session and approved February 18, 1907, to be found on pages 6, 7, 8, 9 and 10 of such laws, and in addition to such powers the said committee hereby created and any member thereof and any subcommittee appointed by such committee shall have all such powers and authority conferred by the Act aforesaid and full power and authority to hear testimony, to swear witnesses, to administer oaths, to send for books,

papers, letters, telegrams and documents, and to compel the production of such matters and things before said committee or subcommittee or any member thereof, as such committee or subcommittee or member may deem necessary to the proper carrying out of the purposes of this investigation. And in addition to the means authorized by the Act aforesaid, the said committee or any member thereof or subcommittee may report any refusal to obey process or any disobedience of process or any evasion of process to the Senate, and have any person guilty thereof or charged of being guilty thereof brought before the bar of the Senate to be dealt with as the Senate may direct.

The expenses of the said committee and of any subcommittee and members thereof in conducting the investigation hereby directed and in procuring the attendance of witnesses and paying therefor and the service of process and the paying therefor, and all other expenses necessarily incurred in conducting the investigation shall be paid out of the contingent expense fund of the Senate upon the warrant of the chairman of said committee authorized by the committee itself.

The said committee shall be known as the Senate Investigating Committee, and such committee shall elect its own chairman and such other officers as it may desire, and establish and make such rules for governing its own procedure and forms of process as may be permitted by law.

Such committee shall cause the testimony of all witnesses to be taken by a competent stenographer, question and answers, and shall make a report to the Senate at this session of the Legislature, and shall accompany such report by the evidence taken by it and its recommendation for such changes in the present election laws and for the enactment of such new laws as the evidence adduced may demand for the preservation to the people of their constitutional right to the purity of the ballot.

And, whereas, On the third day of August, 1911, the Senate of the State of Texas, acting under and in accordance with the aforesaid resolution, duly elected and appointed the following named persons as constituting said Investigating Committee, to wit:

Senators Horace W. Vaughan, J. C. McNealus, E. H. Carter, Robt. L. Warren and McDonald Meachum, and

Whereas, On the 4th day of August, 1911, said Senate Investigating Committee so lawfully elected and appointed as aforesaid, met and organized by electing and appointing Hon. Horace W. Vaughan chairman of said committee, and Hon. W. R. Vermillion secretary of said committee, and

Whereas, On the 11th day of August, A. D. 1911, said Senate of the State of Texas, then in session, duly and legally adopted the following resolution, to wit:

By Senator Cofer:

Whereas, The Governor of Texas, in a message addressed to this, the First Called Session of the Thirty-second Legislature, states that "it is alleged that irregularities and frauds were committed in the recent election on the proposed amendment to the State Constitution prohibiting the manufacture and sale of intoxicating liquors in Texas. It is also charged that in different counties and localities individuals and county officials violated the law regulating the payment of poll taxes," and

Whereas, The Governor has issued a proclamation which was made a part of said message wherein he states that

"Whereas, It has been publicly alleged and charged that various and sundry persons, not named, in various and sundry counties and localities in Texas, not named, have violated the law regulating the payment and issuing of poll tax receipts; and

"Whereas, It is alleged and charged without naming the persons and places, that gross irregularities and frauds were practiced in the holding of the election on July 22nd on the proposed amendment to the Constitution of the State of Texas prohibiting the manufacture and sale of intoxicating liquors in this State," and

Whereas, The Governor has offered a reward of \$50.00 for the arrest and conviction of any person guilty of fraudulently paying for poll tax receipts, or any person fraudulently issuing the same; and

Whereas, The Governor has also offered a reward for the arrest and conviction of any person holding the election and making returns of same who may be guilty of fraudulent acts

against the election laws of this State or the purity of the ballot, or any person guilty of intimidating legal voters; and

Whereas, The Governor has requested an appropriation of \$27,500.00 for the fiscal year beginning September 1, 1911, for the purpose of investigating violations of the poll tax and election laws and the enforcement of the same against the offenders; and

Whereas, It is commonly understood and believed that a wide-spread conspiracy to violate the election laws of this State by the illegal use of money by persons, corporations, organizations and associations of persons, the fraudulent issuance of poll tax receipts, the unlawful payment thereof, and use thereof, and many evasions of the provisions of the election law to prevent illegal and corrupt voting; and

Whereas, It is the duty of this Legislature to pass adequate appropriations for the purpose of furnishing the Governor with sufficient money to enable him to enforce the laws against all persons violating the same, and for the purpose of paying the rewards offered in his said proclamation; and

Whereas, It is important to ascertain the amount necessary and to make an appropriation sufficiently large to pay the fees of sheriffs, county and district attorneys and other officers of this State in all cases wherein the State is liable for such costs in the enforcement of the laws of this State; especially such violations growing out of the matters hereinbefore specified; and

Whereas, It is necessary, in order to re-district the State in Senatorial Districts, to ascertain the number of qualified voters in the State of Texas in order that said districts may be legally and constitutionally established; and to that end it is necessary and important to determine whether or not there have been issued and are outstanding at this time any illegal poll tax receipts; and

Whereas, It is necessary in order to properly determine the amount of money to be appropriated by this session of the Legislature for the various departments of government charged with the duty of the enforcement of the laws to ascertain the extent of the violations of same. Therefore, be it

Resolved, That the Senate Investigating Committee, heretofore elected and now acting, shall, in addition to the duties heretofore assigned to said committee, inquire into and make diligent investigation of all of the matters and things heretofore and hereinbefore set forth and specified, including a full, complete and comprehensive investigation into any violations of the election laws of this State; or any election frauds committed, and especially in regard to the election held in this State on July 22nd of this year on the constitutional amendment prohibiting the manufacture and sale of intoxicating liquors; and to further inquire into the employment, if any, of any member or members of the Senate to use his influence to secure the adoption or defeat of said constitutional amendment; or to enact or obstruct legislation relating to any matters which are before this Legislature for investigation; for the purpose of enabling the Legislature to properly legislate upon the amount of money which should be appropriated to the Governor for the enforcement of the laws as set forth in his message; and for the payment of rewards as set forth in his said proclamation; and

Second. For the purpose of ascertaining the amount of money necessary to be appropriated by this Legislature for the enforcement of the laws of this State, especially those prohibiting violations of the election laws and laws regulating the holding of elections in this State; and

Third. For the purpose of ascertaining the number of fraudulent poll tax receipts issued in order that such information may be used in properly re-districting the State of Texas; and

Fourth. For the purpose of eliciting all the facts and information concerning the matters hereinbefore set forth for the use and benefit of this Legislature in enacting any legislation deemed necessary upon subjects now pending before this session of the Legislature or which may properly come before this session of the Legislature for consideration or any future Called Session of this Legislature, and for the use and benefit of any subsequent Legislature in passing such remedial legislation as may be necessary to maintain, safeguard and protect the purity, freedom and honesty of the ballot and uncorrupted independence of the voters, and to that end, the said Sen-

ate Investigating Committee, in addition to the power and authority heretofore granted and conferred upon said committee or any member thereof or any subcommittee appointed by such committee, shall have all of the power and authority conferred by the Constitution and laws of this State and by the resolution heretofore adopted, and is hereby given the necessary power and authority to hear testimony, to swear witnesses, to administer oaths, to send for books, papers, letters, telegrams and documents and to compel the production of such matters and things before said committee or the subcommittee, or any member thereof, as such committee or subcommittee, or member thereof, may deem necessary to the proper carrying out of the purposes of this investigation; and in addition to the means authorized by the Constitution and laws of the State of Texas, said committee or any member thereof, or subcommittee appointed by said committee, may report to the Senate any refusal to obey process or any disobedience of process or any disrespectful or disorderly conduct in its presence, or any person or persons obstructing any of its proceedings, and may report to the Senate any refusal by any person to take the oath required by law in giving testimony or who may refuse to answer any question or questions propounded by the Senate Investigating Committee or any member thereof or any subcommittee of said Investigating Committee touching the knowledge or information of said witness or person as to any violation of the laws of this State relating to the matters hereinbefore set forth, and have any person guilty thereof, or any part thereof, or charged of being guilty thereof, or any part thereof, brought before the bar of the Senate to be dealt with as the Senate may direct. The expenses of said committee or any member thereof, or of any subcommittee and members thereof in conducting the investigation and securing the additional information required by this resolution and in procuring the attendance of witnesses and paying therefor, and the service of process and paying therefor, and all other expenses necessarily incurred in conducting the investigation herein provided for, shall be paid out of the contingent expense fund of the Senate upon the warrant

of the chairman of said committee authorized by the committee itself.

Said Senate Investigating Committee shall have all the power and authority heretofore granted said committee to aid it in carrying out the additional duties and labors directed by this resolution.

Sturgeon, Lattimore, Bryan, Cofer, Johnson, Mayfield, Carter, Ratliff, Greer, Collins, Vaughan, Perkins, Warren, Terrell of Wise, Townsend, Ward, McNealus.

And, whereas, on or about the 23rd day of August, A. D. 1911, said Senate Investigating Committee, acting under and by virtue of the aforesaid resolutions and the power vested in it by law, issued and caused to be issued lawful process to be served upon one W. H. Gray, commanding him, the said W. H. Gray, to personally appear before said committee in the city of Austin, Travis county, Texas, on or about the 24th day of August, A. D. 1911, then and there to be sworn and testify before said committee in answer to questions to be propounded to him by said committee and under its direction, touching and concerning the matters and things required to be investigated by said committee, as set forth in said resolutions aforesaid; and

Whereas, on or about the 23rd day of August, A. D. 1911, said W. H. Gray was duly and legally served with said process by W. J. McDonald, Assistant Sergeant-at-Arms, who was duly authorized and empowered to serve said process; and

Whereas, on the 24th day of August, A. D. 1911, said W. H. Gray, in obedience to said process and service aforesaid, made his personal appearance before said committee, and was then and there duly and legally sworn, as permitted and required in said resolutions aforesaid, and he did then and there wilfully fail and refuse to answer certain questions propounded to him by said committee, and, by each member thereof, and under the direction of said committee, as hereinafter set forth; and

Whereas, on the 23rd day of August, A. D. 1911, said Investigating Committee made due report to this Senate of said facts and of the failure and refusal of said witness to answer said questions as aforesaid, and as hereinafter set forth,

which said report of said Investigating Committee is substantially as follows:

REPORT OF SENATE INVESTIGATING COMMITTEE.

Austin, Texas, Aug. 23, 1911.

Hon. A. B. Davidson, President of the Senate.

Your committee heretofore elected pursuant to a resolution adopted by the Senate on the 3rd day of August, 1911, for the purpose of investigating certain matters therein mentioned, and acting under the authority of said resolution and the resolution adopted by the Senate on August 11, 1911, conferring additional duties upon said committee, issued process to W. H. Gray, Houston, Texas, to appear before said committee and to be sworn and to testify in answer to questions to be propounded to the said witness by said committee or under its direction, and the said witness, in obedience to said process, appeared before said committee and was sworn, but wilfully failed and refused to answer any of the said interrogatories which were propounded for the purpose of eliciting facts material and pertinent, in the opinion of your committee, to the matters under investigation, which questions so propounded are hereto attached and marked exhibit "A" and made a part hereof.

Whereupon, a resolution was adopted by your committee adjudging said witness to be in contempt of its authority and of obstructing the proceedings of said committee and the Senate, and directed that said refusal to answer said interrogatories be reported to the Senate for its action.

Wherefore, pursuant to said resolution, your committee reports said facts to the Senate for its action.

HORACE W. VAUGHAN,
Chairman.

EXHIBIT "A."

W. H. Gray, a witness called before the committee, on examination by Mr. Thomas, testified and refused to answer the following questions:

Question—Were you or not connected with the recent campaign against the amendment?

Answer—I decline to answer that.

Q.—Is it true or not that you were hired by the anti-prohibition organ-

ization of this State, of which Col. Jake Wolters was the head.

A.—I decline to answer that question.

Q.—And of which General John A. Hulen was either treasurer or secretary?

A.—I decline to answer that.

Q.—Is it not a fact—upon what ground may I ask?

A.—Well, on the ground first, that it, in my judgment, is not pertinent to the question, is not a pertinent question to any matter that may be properly before this committee; in the second place, it is my business, my own business, and I don't think this committee has any authority to enquire into it. I am but a humble citizen of this State, not in public life or in a public or official position, and by the way I don't aspire to any.

Q.—Yes, sir—Now, while you are a private citizen and have no public aspirations, have you not been engaged in public business during this campaign in a private way?

A.—Well, I will decline to answer that, too.

Q.—Have you not been engaged in a private way in the defeat of the amendment to the State Constitution?

A.—I decline to answer that, too.

Q.—And is it not true that some of the money which was paid you was collected from the liquor dealers of this State?

A.—I will decline to answer that question.

Q.—And that some of it was paid out of funds which were in part collected by the brewers of this State?

Mr. Lane—Do you mean as a corporation?

Q.—I mean that word, brewers, let him consider it as he pleases, by the brewers of this State?

Mr. Lane—Don't answer.

A.—I decline to answer that question.

Q.—And is it not true that the organization of which he—with which he was connected paid your funds or paid you out of the funds which were delivered to him by outside liquor interests?

Mr. Lane—Don't answer.

Q.—From other States?

A.—I decline to answer.

Q.—Is it not true that within your knowledge, collections were made by him from brewers in St. Louis?

Mr. Lane—Do you mean corporations, or just brewers?

Q.—Brewers in St. Louis?

Mr. Lane—Don't—no sir.

A.—I decline to answer that question.

Q.—And is it not true that some of those funds were collected within your knowledge from Cincinnati brewers?

A.—I decline to answer that.

Q.—And Milwaukee brewers?

A.—I decline that one.

Q.—Were not some of the funds collected from—by him within your knowledge from wholesale liquor dealers of Louisville, Kentucky?

A.—I decline to answer.

Q.—From a wholesale liquor dealer in San Francisco, California.

A.—I decline to answer that.

Q.—Is it not true that within your knowledge, a part of the funds—

(Question answered).

Q.—Is it not true that within your knowledge Harry Hawes of St. Louis, ex-candidate for Governor of that State, ex-manager of the anti-prohibition campaign in that State, came to Houston and spent two or three months assisting in the management of the anti-prohibition campaign in this State?

A.—I decline to answer that question.

Q.—Is it not true that you reported to Hulen—Gen. Hulen, and Gen. Hulen reported to Col. Wolters, and Col. Wolters reported to Hon. Harry Hawes?

A.—I decline to answer that.

Q.—And that the Hon. Harry Hawes reported back to Anheuser-Busch in St. Louis?

A.—I decline to answer that.

Q.—Or to August A. Busch & Company of St. Louis?

A.—I decline to answer that.

Q.—Is it not true that you have seen the books kept by the anti-prohibition organization in the city of Houston?

A.—I decline to answer that.

Q.—Is it not true that within a few days of the election, the books which were kept showing these financial transactions, within your knowledge, disappeared?

A.—I decline to answer that.

Q.—Is it not true that the books were burned within your knowledge?

A.—I decline to answer that.

Q.—Is it not true that those books would show the sources from which this money—these monies came?

A.—I decline to answer that.

Q.—And to whom these monies were paid?

A.—I decline to answer that.

Q.—Is it not true that you have had a conversation with Gen. Hulen since the election as to your appearance here as a witness?

A.—I decline to answer that.

Q.—Is it not true you had a conversation with him with reference to his appearance here as a witness?

A.—I decline to answer that.

Q.—Is it not true that since that conversation he has left the State within your knowledge, to avoid appearing here as a witness?

A.—I decline to answer that.

Q.—Is it not true that those books about which we are inquiring, within your knowledge, would show the contributions to the defeat of the anti-prohibition—of the amendment to the Constitution from sources in this State and out of the State?

A.—I decline to answer that.

Q.—Is it not true that those books would show contributions in excess of half a million dollars?

A.—I decline to answer that.

Q.—Is it not true that a part of your work in that campaign was to employ speakers for the anti side?

A.—I decline to answer that one.

Q.—Is it not true that by virtue of your functions, your duties—your authority, you did employ them?

A.—I decline to answer that.

Q.—Is it not further true, that you not only employed them, but arranged the terms of their compensation?

A.—I decline to answer that.

Q.—That a part of the terms of the compensation was a liberal expense account and a per diem, or a per speechum while they spoke?

A.—I decline to answer that.

Q.—Is it true, or not, that this organization with whose—that that you were familiar with the inner workings of the organization?

A.—I decline to answer that.

Q.—Is it not true that you were one of its most trusted representatives during the last session, last campaign?

A.—I decline to answer that.

Q.—Is it not true that you were one of the—one of its confidential advisors?

A.—I decline to answer that.

Q.—Is it not true that part of the funds of that organization were

turned over to the organization, through B. Adoue of Galveston?

A.—I decline to answer that.

Q.—Is it not true within your knowledge that he collected those funds from the breweries in part—brewers, in part, of this State?

A.—I decline to answer that.

Q.—Is it not true that the organization had employed in Houston at its headquarters from eighty to a hundred employees?

A.—I decline to answer that.

Q.—Is it not true that in addition to those, they had field organizers in great number throughout this State?

A.—I decline to answer that.

Q.—Is it not true that they had traveling representatives going from place to place to investigate and report conditions?

A.—I decline to answer that.

Q.—Is it not true that a part—is it not true within your knowledge that those organizers and representatives were employed on a salary for that purpose?

A.—I decline to answer that.

Q.—Is it not true that they went among the negroes and organized them to vote against the amendment?

A.—I decline to answer that.

Q.—Is it not true that among other employees, were negro preachers in this State?

A.—I decline to answer that.

Q.—Oh, yes, I know that you will answer the question, that is, that you won't answer the questions—is it not true within your knowledge, that there is within this State a brewers association?

A.—I decline to answer that.

Q.—Of which B. Adoue is president?

A.—I decline to answer that.

Q.—Of which S. T. Morgan of Dallas is treasurer?

A.—I decline to answer that.

Q.—In which—I don't know the man's name, how his name is pronounced, K-o-e-h-l-e-r, I believe of San Antonio is—

Mr. Lane—It is Otto Koehler, you are talking about.

Q.—Otto Koehler is an officer?

A.—I decline to answer that.

Q.—In which Otto Wahrmond is an officer?

A.—I decline to answer that.

Q.—Did you, yourself, collect money from any source, paid over to the organization?

A.—I decline to answer that.

Q.—Did you or not collect money from the retail liquor dealers of this State?

A.—I decline to answer that.

Q.—Did you or not collect monies from the wholesale liquor dealers of this State?

A.—I decline to answer that.

Q.—Did you or not collect money from the brewers of this State?

A.—I decline to answer that. I will state to you that I did not collect any money from any corporation in this State, or out of it for the benefit of the anti-prohibition organization, of which Mr. Wolters was chairman.

Q.—Did you or not collect any monies from any corporation in or out of the State for anybody else?

A.—No, sir.

Q.—Did you or not collect any monies from any brewers or liquor men in or out of the State for campaign purposes during this campaign?

A.—I decline to answer.

Q.—And is it not true so far as you know—is it not true that you did so, and so far as you know those individuals were reimbursed by somebody else?

A.—I decline to answer that.

Q.—That those individuals were re-imbursed in some way unknown to you?

A.—I decline to answer that.

Q.—When did you first become connected with this organization?

A.—I decline to answer that.

Q.—Is it not true that you are still connected with it?

A.—I decline to answer that.

Q.—Is it not true that you are connected—that you were connected with it in 1910?

A.—I decline to answer that.

Q.—Is it not true that you made a very eloquent speech for this organization in 1910?

A.—I decline to answer that, that is wholly irrelevant and immaterial.

Q.—Is it not true that you made a speech for a candidate for a State office in 1910 for this organization?

A.—I decline to answer that.

Q.—Is it not true that you were paid by this organization to work in 1910, for the success—for the organization, and that you worked for a candidate for a State office?

A.—I decline to answer that.

Q.—And is it not true that you did that work by virtue of your employment by this organization?

A.—I decline to answer that.

Q.—And is it not true that you would not have done that work for the candidate for the State office but for your employment by said organization?

A.—I decline to answer that.

Q.—Is it not true that you were one of a great number who were employed by the anti-prohibition organization last year to defeat submission?

A.—I decline to answer that.

Q.—And is it not true that as a part of your work in working against submission, you were also working for some candidate for State office?

A.—I decline to answer that.

Q.—And working against other candidates for State office?

A.—I decline to answer that.

Q.—And is it not true that this large number of men were officered by high officers, general and lieutenant general and colonel and captains and lieutenants, with a vast army of privates in the ranks working for the organization?

A.—I decline to answer that, Mr. Thomas.

Q.—And weren't they all on the pay roll of the liquor interests last year?

A.—I decline to answer that.

Q.—And is it not true, that while on the pay roll of the liquor interests, the organization almost solidly was offering its influence to the support of candidates for State office?

A.—I decline to answer that.

Q.—Is it not true that this election—is it not true that this organization, this aggregation or army was paid by the liquor interests by money contributed by the liquor interests who were seeking to elect candidates for State office in the executive department of the government?

A.—I decline to answer that.

Q.—Also, the judicial department of the government?

A.—I decline to make an answer to that question.

Q.—Is it not true that a part of the influence of the organization was thrown to the election of representative in the Legislature?

A.—I don't know of any influence of any organization that I may or may not have been connected with, that was thrown to the election of members of the Legislature.

Q.—Do you know of anybody who paid in whole or in part the expenses of any candidate for the Legislature in 1910?

A.—I mean—am I to understand that as meaning, do I know of any one who contributed to any one's campaign fund for the Legislature?

Q.—Yes, sir.

A.—I decline to answer that question.

Q.—Is it not true that you contributed for somebody to somebody's campaign, as a candidate to the Legislature?

A.—I decline to answer that question.

Q.—Is it not true that through you a contribution was made—

Q.—Tell the committee whether it was a member of the lower House or the Senate that you assisted?

A.—I decline to answer that question.

Q.—Tell the committee how much you contributed.

A.—I decline to do that.

Q.—Tell the committee what you contributed, whether or not what you contributed was for his expenses or his salary—I say expenses or compensation?

Mr. Lane—Wait a minute.

A.—(After conferring with Mr. Lane) I will state to you that I did not contribute anything to any member of the Legislature in the way of salary or in the way of expenses, or to any candidate for office, I did not contribute anything to any member of either House for his campaign expenses or in the way of salaries for the anti-prohibition organization, or for his campaign expenses.

Q.—Well, now make—do you mean you did not contribute directly or indirectly to the candidacy of anybody for either branch of the Legislature?

A.—Do you mean myself personally?

Q.—Yes, sir.

A.—I decline to answer that whether I did or did not. I say that on behalf of the anti-prohibition organization, I made no contributions to any candidate for office, either in the way of salary or in the way of campaign funds or expenses.

Q.—Now, state whether you made any contributions in behalf of anybody else?

A.—I decline to do that.

Q.—Is it not true that you contributed to the campaign fund of several candidates for the Legislature in 1910?

A.—I decline to answer that.

Q.—Is it not true that you were reimbursed for your expenditures thus made?

A.—I decline to answer that.

Q.—Is it not further true that you do not know who in the last analysis reimbursed the person who reimbursed you?

A.—I decline to answer that.

Q.—Have you any knowledge of any contributions made by you, or recollection, to the candidacy of members of the Legislature?

A.—I decline to answer that.

Q.—Very well. Is it not true that you did contribute to the candidacies of several members?

A.—I decline to answer that.

Q.—Now, is it not true that you not only made contributions, but that you were reimbursed therefor?

A.—I decline to answer that.

Q.—Well, you state to this committee, you paid no expenses—will you state to this committee that you paid no expenses of legislative candidates?

A.—I decline to answer that.

Q.—Will you state to this committee that you were not the agent or medium of some funds which were contributed to some legislative candidate?

A.—I decline to answer that.

Q.—Will you state that from your own knowledge, not supposition, but from your actual knowledge, some corporation did not, through you, contribute to the candidacy of some candidate for the Legislature?

A.—I will state to you that no corporation contributed any money through me that I know of for anybody's campaign funds, not even for any religious cause.

Q.—Now, you say that you know of—do you know where the money came from?

A.—What money?

Q.—The money that you contributed, if you contributed it, to the candidacy of these members?

A.—I decline to answer that.

Q.—You don't know where it came from?

A.—I just declined to answer that question.

Q.—Were you for or against submission in 1910?

A.—I decline to answer that.

Q.—Were you for or against submission in 1908?

A.—I decline to answer that.

Q.—Were you for or against submission during the Legislature of 1909?

A.—I decline to answer that.

Q.—Were you around here in Austin during that session?

A.—I decline to answer that.

By the chairman:

Q.—Mr. Gray, what knowledge have you of where the funds came from that were used by the anti-prohibition, anti-statewide prohibition organization?

A.—I decline to answer that, Mr. Vaughan.

Q.—You decline to answer what knowledge you have with, or where the funds came from?

A.—Yes, sir, I will decline to answer that.

Q.—All right. At the time you were in the employ of the organization, did you know where the funds came from?

A.—I have never admitted I was in the employ of the organization.

Q.—Well, I am—do you decline to answer that question, though I am assuming that you were in the employ, and I want to know what knowledge you have of the source of those funds?

A.—Well, if you will be kind enough to put it in that form, why, I would be glad to answer or decline it.

Q.—What knowledge have you of the source of the funds of the anti-prohibition, anti-Statewide organization?

A.—I decline to answer that.

Q.—Uh, huh. What knowledge have you as to the source of such funds in January of this year?

A.—I decline to answer that.

Q.—It has been testified before this committee that you made an arrangement for the employment of Mr. L. T. Dashiell, and that he received funds from the anti-statewide organization paid him for making speeches in this campaign—what knowledge have you of the source from which those funds were derived, what knowledge did you then have at the time you made that arrangement with Mr. Dashiell as to the source of the funds—the source from which the anti-statewide organization received those funds that were used, paid to Mr. Dashiell?

A.—I decline to answer that.

Q.—Then you do not—you decline to give us your information as to whether or not they were received from a corporation or not?

A.—So far as I know, no funds ever handled by me for any campaign, either this one or any other one, were derived directly or indirectly from a corporation.

Q.—How do you know whether or not they were derived from a corporation?

A.—I say so far as I know.

Q.—All right. What knowledge did you have on the subject as to where they came from?

A.—What knowledge did I have?

Q.—Yes, sir.

A.—I have no knowledge of any funds being derived from any corporation contributed to any campaign fund.

Q.—Well, what knowledge did you have of where they were derived from?

A.—I decline to answer that question.

Q.—Did you make any arrangement with Mr. Dashiell to speak for the anti-statewide organization?

A.—I decline to answer that.

Q.—Did you have any knowledge of where the funds came from that were used to pay Mr. Dashiell or any other man that you employed?

A.—I decline to answer that.

Q.—When did you begin those services for the anti-statewide organization?

A.—I decline to answer that.

Q.—You decline to answer when you began your service for them?

A.—Yes, sir.

Q.—What was the nature of the service that you were to render the anti-statewide organization of which Mr. J. F. Wolters was president or chairman, and of which Mr. John A. Hulen was secretary?

A.—I decline to answer that question.

Q.—You decline to state the nature of your employment or the nature of the work you were to do for that organization?

A.—I decline to make any answer to the question.

Q.—And what compensation were you to receive for that—for the services that you were to perform for that organization?

A.—I decline to make an answer to that.

Q.—What knowledge have you of the source from which Wolters and Hulen received the funds with which they paid you for the services you performed?

A.—I decline to answer that.
 Q.—Do you know B. Adoue?
 A.—I decline to answer that.
 Q.—Were you ever in the employ
 of the Texas Brewers Association?
 A.—I decline to answer that.
 Q.—Do you know O. Paget?
 A.—I decline to answer that.

And, whereas, on the 23rd day of August, A. D. 1911, the Senate of the State of Texas adopted the following resolution, to wit:

By Senator Vaughan:

Committee Room,

Austin, Texas, Aug. 23, 1911.

Whereas, it appearing to the Senate of the State of Texas now in session in the City of Austin, Travis County, Texas, upon a written report of the Senate Investigating Committee heretofore lawfully and constitutionally appointed by the Senate, that one W. H. Gray, Houston, Texas, has appeared before the said committee in obedience to lawful process theretofore lawfully issued and served upon him under and by the direction of said committee, and, after being duly sworn by the Horace W. Vaughan, chairman of said committee, who was duly authorized by law to administer said oath, said witness wilfully failed and refused to answer under oath certain questions propounded to him by said committee and under its direction, all of which questions are set out in the report of said committee to the Senate herein referred to and made a part hereof, and

Whereas, it appearing to the Senate of the State of Texas, that the said refusal of said witness to answer said questions as aforesaid was wilful, and that the same is an obstruction to the lawful proceedings both of the said committee and of the Senate; therefore be it

Resolved by the Senate of the State of Texas:

First. That said W. H. Gray be, and is hereby held and adjudged to be guilty of contempt of this Senate and of obstructing the lawful proceedings of a lawful committee of this Senate.

Second. That the said W. H. Gray be cited to appear before the bar of this Senate at 3 o'clock on the 24th day of August, A. D. 1911, then and there to show cause, if any he has, why the aforesaid adjudication of contempt against him should not be made final, and why he should not be held

and adjudged in contempt of this Senate and punished therefor, as required by law.

Third. That the Secretary of this Senate be and he is hereby ordered and directed to issue citation and notice to the said W. H. Gray to appear at the time and place and for the purpose aforesaid.

Fourth. That said citation and notice aforesaid shall consist of a copy of this resolution.

Fifth. That service of said citation and notice shall be made by the Sergeant-at-Arms or Assistant Sergeant-at-Arms of this Senate, by delivering to the said W. H. Gray in person a true copy thereof.

HORACE W. VAUGHAN,
 Chairman.

And, Whereas, on or about the 24th day of August, A. D. 1911, in accordance with said resolution, citation and notice was duly issued and served upon the said W. H. Gray to appear before the bar of the Senate, in accordance with said notice; and,

Whereas, On the 25th day of August, A. D. 1911, Said W. H. Gray, in obedience to said citation and notice aforesaid appeared before the bar of the Senate, and then and there again wilfully failed and refused to testify and to answer said questions before said Investigating Committee, and propounded by said Investigating Committee and the members thereof, and wilfully failed and refused to purge himself of the contempt of this Senate as theretofore charged against him;

And, it appearing to the Senate of the State of Texas, now in session, that the failure and refusal on the part of the said W. H. Gray to testify and answer the questions aforesaid propounded to him by the said Investigating Committee and under its direction was wilful on the part of the said W. H. Gray; therefore be it

Resolved, by the Senate of the State of Texas, now in session in the city of Austin, Travis county, Texas, That W. H. Gray be, and he is hereby, held and adjudged to be in contempt of this Senate, and his punishment therefor is assessed at imprisonment and confinement in the county jail of Travis county, Texas, for the period of twenty-four (24) hours, and the Assistant Sergeant-at-Arms of this Senate is hereby ordered and directed to take the body of the said W. H. Gray, and commit it to the jail of

Travis county, Texas, for the period of twenty-four hours, unless the said W. H. Gray shall sooner purge himself of said contempt and testify before said committee in answer to the questions propounded by it or under its direction, and which he has failed and refused to answer, the said questions being pertinent to the matters authorized by the resolutions hereinbefore set out, and the jailer of Travis county, Texas, is hereby ordered and directed to receive the body of the said W. H. Gray into the jail of Travis county, Texas, for the purpose of the imprisonment and confinement herein imposed; and a copy of this resolution and order shall be a sufficient authority for the commitment and the imprisonment of the said W. H. Gray.

Such parts of the above resolution as agreed upon by the counsel for the respondent and the chairman of the committee, was read, and

Mr. Lane, attorney for the respondent, made the following point of order in writing:

Hon. A. B. Davidson, President of the Senate:

Respondent W. H. Gray respectfully ask leave to submit to you as presiding officer of this Senate, the following point of order, and in advance of a vote upon the question of his guilt or innocence or the nature and extent of his punishment, if found guilty, and prays for a ruling thereon.

Respondent shows to the President of this Senate that he is now being tried by the Senate as to whether or not he is guilty of contempt of that body. That he has been so charged by a written report of Senators H. W. Vaughan, R. L. Warren, E. H. Carter and J. C. McNealus, said written charge being now on file with the Secretary of this Senate, and he prays that same shall be taken and read as a part hereof.

Respondent therefore says that his case has been prejudged by said four named Senators, they each having determined that he is guilty as charged, and he further shows that said H. W. Vaughan has in addition taken an active and partisan part in the prosecution of this case against him and has exhibited much prejudice and ill feeling toward him.

He further shows that this Senate is now sitting and acting as a court

in the trial of his case and as such it and each member thereof should act impartially, justly, and not be governed by preconceived prejudices.

Your respondent therefore assumes that neither of the Senators named will offer or desire to vote upon his guilt, innocence or punishment, but if they or either of them upon roll call offers to vote respondent requests that he be not permitted to do so, and hereby submits this point of order to you for a ruling.

W. H. GRAY, Respondent.

The Chair, Lieutenant Governor Davidson, overruled the point of order.

The question then recurred on the above resolution, and the same was adopted by the following vote:

Yeas—11.

Bryan.	Sturgeon.
Carter.	Terrell, Wise.
Collins.	Townsend.
Greer.	Vaughan.
Johnson.	Ward.
Lattimore.	

Nays—10.

Adams.	Paulus.
Hudspeth.	Real.
Hume.	Terrell, McLennan.
Kauffman.	Watson.
Murray.	Weinert.

Present—Not Voting.

Mayfield.	Perkins.
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Absent.

Astin.	Warren.
Cofer.	

Absent—Excused.

Willacy.

PAIRED.

Senator Peeler (present), who would vote "nay," with Senator Ratliff (absent), who would vote "yea."

Senator Meachum (present), who would vote "nay," with Senator McNealus (absent), who would vote "yea."

REASONS FOR NOT VOTING.

When I voted for the resolution creating the Investigating Commit-

tee, I was of the opinion that the investigation was legal and constitutional, and I am of that opinion still. It is my desire that the committee be sustained in its contention, but my being marked present and not voting in this instance will not change the result.

This Senate is sitting as a jury to determine whether or not this respondent is in contempt of the Senate or his refusal to answer certain questions which the investigating committee directed him to answer, and as such jurors we should be free from bias and prejudice. I sustain peculiar relations to this respondent. The respondent and I were born in the same little town in Eastern Texas; we were boys together, and were brought up under such conditions and the relations between this respondent and myself were such that I feel that I should be relieved of the embarrassment with which I am confronted in this instance in passing upon the issue of his guilt or innocence, as I believe a judge of a court would be under similar circumstances. My father was guardian for this respondent.

MAYFIELD.

REASONS FOR VOTING.

Referring to my "Reasons for Voting" on House bill No. 10, set out in the Senate Journal of August 25, 1911, it is further contended by the prohibition Senators that the trial of the respondent should be treated as "liquor legislation" or "liquor bills," and I accordingly send up the pair with Senator Ratliff. PEELER.

Having been absent during the sittings of the Investigating Committee, on account of sickness, I have not been able to learn the facts as adduced from the witnesses, and only know the accounts as they appeared in the public press. To vote away a man's liberty and throw him in prison, I ought to have other than hearsay testimony. Hence, sitting as a Senator, instead of a juror, I ought to be fair, unbiased and unprejudiced. Believing that every man is innocent until otherwise proven, I shall not cast my vote, but desire to be marked present and not voting.

PERKINS.

Senator Townsend moved to re-

consider the vote by which the resolution was adopted, and lay that motion on the table.

The roll call developed no quorum voting, as follows:

Yeas—6.

Carter.	Townsend.
Collins.	Vaughan.
Sturgeon.	Ward.

Nays—10.

Adams.	Paulus.
Hudspeth.	Real.
Hume.	Terrell, McLennan
Kauffman.	Watson.
Murray.	Weinert.

Present—Not Voting.

Mayfield.	Perkins.
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Absent.

Astin.	Johnson.
Bryan.	Lattimore.
Cofer.	Terrell, Wise.
Greer.	Warren.

Absent—Excused.

Willacy.

PAIRED.

Senator Meachum (present), who would vote "nay," with Senator McNealus (absent), who would vote "yea."

Senator Peeler (present), who would vote "nay," with Senator Ratliff (absent), who would vote "yea."

There being no quorum present,

Senator Watson moved a call of the Senate for the purpose of securing and maintaining a quorum, which motion was seconded.

The roll was called, the following Senators answering to their names:

Adams.	Peeler.
Carter.	Perkins.
Collins.	Real.
Hudspeth.	Sturgeon.
Hume.	Terrell, McLennan.
Kauffman.	Townsend.
Mayfield.	Vaughan.
Meachum.	Ward.
Murray.	Watson.
Paulus.	Weinert.

Absent.

Astin.	Bryan.
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Cofer.
Greer.
Johnson.
Lattimore.

McNealus.
Terrell, Wise.
Warren.

Absent—Excused.

Ratliff.

Willacy.

Messrs. White, Neblett, Stanberry and W. W. Meachum were sworn in as assistants to the Sergeant-at-Arms to assist in bringing in the absentees.

The Senate stood under call without the transaction of business from 11:45 o'clock p. m., August 26, until 8:45 o'clock a. m., August 27, at which hour the Chair called the Senate to order and directed the roll called, no quorum being present, as follows:

Adams.
Carter.
Hudspeth.
Hume.
Kauffman.
Mayfield.
Meachum.
Murray.
Paulus.

Peeler.
Real.
Sturgeon.
Terrell, McLennan.
Townsend.
Ward.
Watson.
Weinert.

Absent.

Astin.
Bryan.
Cofer.
Collins.
Greer.
Johnson.

Lattimore.
Perkins.
Terrell, Wise.
Vaughan.
Warren.

Absent—Excused.

McNealus.
Ratliff.

Willacy.

There was nothing else before the Senate until 2:10 o'clock p. m., August 27, when the Doorkeeper announced the following Senators at the bar of the Senate: Senators Johnson, Cofer, Terrell of Wise, Warren, Greer, Lattimore and Bryan.

The roll was then called, the following Senators answering to their names:

Adams.
Bryan.
Carter.
Cofer.
Collins.
Greer.
Hudspeth.
Johnson.
Kauffman.
Lattimore.

Mayfield.
Murray.
Paulus.
Peeler.
Perkins.
Real.
Sturgeon.
Terrell, Wise.
Townsend.
Vaughan.

Ward.
Warren.

Watson.
Weinert.

Absent.

Astin.
Hume.
McNealus.

Meachum.
Terrell, McLennan.

Absent—Excused.

Ratliff.

Willacy.

Senator Lattimore made the following motion in writing:

Being personally opposed to the holding of a session of the Legislature on Sunday, I move that the Senate adjourn to 10 a. m. tomorrow (Monday).

Pending a short delay Senator Lattimore, by request of Senator Vaughan, withdrew the motion to adjourn.

CONTEMPT PROCEEDINGS— TRIAL OF.

Action recurred on the pending business, which was the motion by Senator Townsend to reconsider the vote by which the resolution relating to the contempt proceedings was adopted, and lay that motion on the table. When this motion was first made, the roll call developed no quorum present.

Senator Watson called for a division of the question, calling for a vote on the motion to reconsider first.

Senator Townsend made the point of order that the call for the division of the subject came too late, in that the motion was unfinished business, or unfinished roll call on same when no quorum was developed.

The Chair, Lieutenant Governor Davidson, overruled the point of order.

Pending discussion, Senator Townsend made the point of order that Senator Watson was speaking for delay, and called for the enforcement of Rule No. 31, and having ten seconds called for the action thereon. Pending Senator Watson making a statement he yielded the floor and Senator Townsend withdrew the point of order.

Action then recurred on the motion to reconsider and table the motion by which the contempt proceedings resolution was adopted, and

Senator Vaughan moved the previous question on same, which motion being duly seconded was so ordered by the following vote:

Yeas—14.

Bryan.	Mayfield.
Carter.	Perkins.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.

Nays—10.

Adams.	Paulus.
Hudspeth.	Real.
Hume.	Terrell, McLennan.
Kauffman.	Watson.
Murray.	Weinert.

Absent—Excused.

Willacy.

PAIRED.

Senator Peeler (present), who would vote "nay," with Senator Ratliff (absent), who would vote "yea."

Senator Meachum (present), who would vote "nay," with Senator McNealus (absent), who would vote "yea."

Senator Warren (present), who would vote "yea," with Senator Astin (absent), who would vote "nay."

Action then recurred on the main question and a division of the question having been demanded by Senator Watson, the question then recurred on that part of the motion to reconsider the vote by which the resolution relative to the contempt proceedings was adopted.

Senator Vaughan here made the point of order that the only matter before the Senate was the motion to lay the motion to reconsider on the table.

The Chair overruled the point of order.

Senator Vaughan moved to table the motion by Senator Townsend to reconsider the vote by which the contempt proceedings resolution was adopted.

The motion to table was adopted by the following vote:

Yeas—12.

Bryan.	Carter.
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Cofer.
Collins.
Greer.
Johnson.
Lattimore.

Sturgeon.
Terrell, Wise.
Townsend.
Ward.
Watson.

Nays—9.

Adams.	Paulus.
Hudspeth.	Real.
Hume.	Terrell, McLennan.
Kauffman.	Weinert.
Murray.	

Present—Not Voting.

Mayfield.	Perkins.
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PAIRED.

Senator Peeler (present), who would vote "nay," with Senator Ratliff (absent), who would vote "yea."

Senator Meachum (present), who would vote "nay," with Senator McNealus (absent), who would vote "yea."

Senator Warren (present), who would vote "yea," with Senator Astin (absent), who would vote "nay."

Senator Vaughan (present), who would vote "yea," with Senator Willacy (absent), who would vote "nay."

HOUSE BILL NO. 20.

Senator Hudspeth called up, as a privilege matter, and the Chair laid before the Senate on second reading,

House bill No. 20, A bill to be entitled "An Act to apportion the State of Texas into Congressional Districts, to provide for two additional districts, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Senator Lattimore here moved that the Senate adjourn until 10 o'clock tomorrow morning.

The motion was lost by the following vote:

Yeas—10.

Bryan.	Lattimore.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Greer.	Vaughan.
Johnson.	Warren.

Nays—17.

Adams.	Mayfield.
Carter.	Meachum.
Hudspeth.	Murray.
Hume.	Paulus.
Kauffman.	Peeler.

Perkins. Ward.
Real. Watson.
Sturgeon. Weinert.
Terrell, McLennan.

Absent.

Astin. McNealus.

Absent—Excused.

Ratliff. Willacy.

Action recurred on the pending business, House bill No. 20, the question being on the committee report, and,

Senator Lattimore made the following point of order:

The Senator from Tarrant objects to the consideration of House bill No. 20, which was now upon the request of the Senator from El Paso, laid before the Senate for action on the committee report, and for second reading, and for engrossment, and makes the point of order, first: That the bill can not now be considered because of the fact that said bill came over from the House on August 26, 1911, and was read and referred to the Committee on Congressional Redistricting, which committee on the same day, to wit: August 26, 1911, reported on said bill, and to take the same up as shown by the Journal on the same day, to wit: August 26, 1911, for its second reading and engrossment, violates Senate Rule No. 47, which requires committee reports to lie over one day.

And the further point of order that the bill can not now be considered on August 26, 1911, because to so consider the same and engross it would be violative of the constitutional rule requiring bills to be read on three several days.

LATTIMORE,
COFER.

The Chair (Lieutenant Governor Davidson) overruled the point of order.

There being an adverse majority (committee) report with a favorable substitute bill and an adverse minority (committee) report.

Senator Hudspeth moved the previous question on the committee report and the engrossment of the bill, which was duly seconded.

Senator Lattimore made the following point of order:

I make the point of order that the

constitutional rule requiring that no bill shall have the force of a law till same has been read on three several days and free discussion had thereof, is violated by now putting the previous question. I, in common with other Senators upon this floor, desiring to discuss the committee report, as a necessary part of the consideration and discussion of the bill.

LATTIMORE.

The Chair overruled the point of order.

The previous question having been moved and seconded, was so ordered by the following vote:

Yeas—16.

Adams.	Murray.
Astin.	Paulus.
Carter.	Real.
Hudspeth.	Sturgeon.
Hume.	Terrell, McLennan.
Kauffman.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Nays—10.

Bryan.	Perkins.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Johnson.	Vaughan.
Lattimore.	Warren.

Absent.

McNealus.

PAIRED.

Senator Peeler (present), who would vote "yea," with Senator Ratliff (absent), who would vote "nay."
Senator Greer (present), who would vote "nay," with Senator Willacy (absent), who would vote "yea."

Action then recurred on motion by Senator Hudspeth to adopt the majority committee report, and

Senator Johnson moved to substitute the minority (adverse) committee report for the majority committee report, and the motion was lost by the following vote:

Yeas—10.

Bryan.	Perkins.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Johnson.	Vaughan.
Lattimore.	Warren.

Nays—16.

Adams.	Murray.
Astin.	Paulus.
Carter.	Real.
Hudspeth.	Sturgeon.
Hume.	Terrell, McLennan
Kauffman.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

McNealus.

PAIRED.

Senator Peeler (present), who would vote "nay," with Senator Ratliff (absent), who would vote "yea."

Senator Greer (present), who would vote "yea," with Senator Wil- lacy (absent), who would vote "nay."

The majority committee report was then adopted by the following vote:

Yeas—16.

Adams.	Murray.
Astin.	Paulus.
Carter.	Real.
Hudspeth.	Sturgeon.
Hume.	Terrell, McLennan.
Kauffman.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Nays—10.

Bryan.	Perkins.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Johnson.	Vaughan.
Lattimore.	Warren.

Absent.

McNealus.

PAIRED.

Senator Peeler (present), who would vote "yea," with Senator Ratliff (absent), who would vote "nay."

Senator Greer (present), who would vote "nay," with Senator Wil- lacy (absent), who would vote "yea."

Action then recurred on the passage of the bill to a third reading, and

Senator Lattimore here made the following point of order, which was overruled by the Chair (Lieutenant Governor Davidson).

The Senator from Tarrant objects to the consideration of House bill No. 20, which was now upon the re-

quest of the Senator from El Paso, laid before the Senate for action on the committee report, and for second reading, and for engrossment, and makes the point of order, first: That the bill can not now be considered because of the fact that said bill came over from the House on August 26, 1911, and was read and referred to the Committee on Congressional Redistricting, which committee on the same day, to wit: August 26, 1911, reported on said bill, and to take the same up as shown by the journal on the same day, to wit: August 26, 1911, for its second reading and en- grossment violates Senate Rule No. 47, which requires committee reports to lie over for one day.

And the further point of order that the bill can not now be considered on August 26, 1911, because to so con- sider the same and engross it would be violative of the constitutional rule requiring bills to be read on three several days.

LATTIMORE.

The bill having been read second time, was passed to a third reading by the following vote:

Yeas—16.

Adams.	Murray.
Astin.	Paulus.
Carter.	Real.
Hudspeth.	Sturgeon.
Hume.	Terrell, McLennan.
Kauffman.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Nays—10.

Bryan.	Perkins.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Johnson.	Vaughan.
Lattimore.	Warren.

Absent.

McNealus.

PAIRED.

Senator Greer (present), who would vote "nay," with Senator Wil- lacy (absent), who would vote "yea."

Senator Peeler (present), who would vote "yea," with Senator Ratliff (absent), who would vote "nay."

Senator Hudspeth moved that the constitutional rule requiring bills to be read on three several days be sus-

pending and the bill put on its third reading and final passage.

The motion was lost by the following vote:

Yeas—17.

Adams.	Paulus.
Astin.	Perkins.
Carter.	Real.
Hudspeth.	Sturgeon.
Hume.	Terrell, McLennan
Kauffman.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	

Nays—9.

Bryan.	Terrell, Wise.
Cofer.	Townsend.
Collins.	Vaughan.
Johnson.	Warren.
Lattimore.	

Absent.

McNealus.

PAIRED.

Senator Peeler (present), who would vote "yea," with Senator Ratliff (absent), who would vote "nay."

Senator Greer (present), who would vote "nay," with Senator Wil-lacy (absent), who would vote "yea."

BILL SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

House bill No. 24, A bill to be entitled "An Act making appropriations for the deficiencies in the appropriations heretofore made for the support of the State government for the fiscal year ending August 31, 1911, and declaring an emergency."

ADJOURNMENT.

On motion of Senator Lattimore the Senate, at 4:16 o'clock p. m. adjourned until Monday morning at 10 o'clock.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, Aug. 26, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on

Towns and City Corporations, to whom was referred

House bill No. 89, a bill to be entitled "An Act to amend Section 21g of Chapter 91, page 645, Special Laws of the Regular Session of the Thirty-first Legislature, approved March 24, 1909, entitled 'An Act to amend an act entitled 'An Act to incorporate the city of Waco, and to define its boundaries and powers,' passed by the Twenty-first Legislature and approved February 19, 1889, said Act to be amended by amending Section 1 of said Act as amended by the Act of the Twenty-sixth Legislature, Chapter 13, page 178, Section 1, Special Laws of Texas, 1899, as amended by an act of the Twenty-eighth Legislature, Sections 1 and 2, Chapter 30, page 238, Special Laws of Texas, 1903, as amended by an act of the Twenty-ninth Legislature, Section 1, Chapter 20, pages 200 to 203, inclusive, Special Laws of Texas, 1905, as amended by another act of the Twenty-ninth Legislature, Section 2, pages 340-341, Chapter 45, Special Laws of Texas, 1905, by defining the boundaries of the city of Waco, and including additional territory within the corporate limits of said city; regulating taxes on additional property taken in, and further amending said Act of 1889, as amended by Section 6 of an act passed by the Twenty-ninth Legislature, Chapter 25, Special Laws of Texas, 1905, pages 216-219, inclusive, approved March 30, 1905, which said Section 6 of said Act of 1905 amended said Act of 1889 by adding thereto Section 21g, which said Section 8 so including Section 21 is here amended; all pertaining to further and cumulative authority to regulate the sale of intoxicating liquor in said city, and further amending said Act of 1889 by adding thereto Section 21h, granting additional authority with reference to expending public funds and declaring an emergency,' so as to authorize and empower the Board of Commissioners of the city of Waco to fix the hours for the opening and closing of saloons, or any beer saloon, grog shop, tippling house, or places where spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication are sold at retail within the corporate limits of the city of Waco, providing such closing hour shall not be earlier

than (7:30) seven thirty o'clock p. m. and the opening hour not later than six (6) o'clock a. m. on each week day; and by adding Section 21gg, providing that any ordinance passed under the provisions of this Act shall not take effect until approved by a majority of the qualified voters voting upon said proposition at any regular or special election of the city of Waco, and repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Meachum, Chairman; Terrell of McLennan, Hudspeth, Hume, Peeler, Collins, Kauffman.

Committee Room.

Austin, Texas, Aug. 26, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 64, "An Act to amend the charter of the city of Temple, in Bell county, Texas, passed by the Thirtieth Legislature, and which became a law March 27, 1907, by adding the following paragraphs to Section II, Article 2, of said charter, repealing all laws or parts of laws in conflict herewith, and declaring an emergency,"

And find it correctly enrolled, and have this day at 6:30 o'clock p. m., presented the same to the Governor for his approval.

PERKINS, Acting Chairman.

Committee Room.

Austin, Texas, Aug. 26, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 57, A bill to be entitled "An Act to amend Section 9, Chapter 30 of the General Laws of the State of Texas, passed by the Thirty-first Legislature (1909) at the Regular Session, approved April 21, 1909, relating to the Texas State Board of Health, Vital Statistics, and to add to said chapter Section 10a, establishing charbon districts; providing that persons residing therein shall report all animals suffering

with charbon or supposed to have such disease to the county health officer, who shall report same to the State Board of Health, and providing for practicing physicians to report all persons suffering with said disease; and providing for the employment of a chemist and bacteriologist where charbon is prevalent, for the purpose of combating with said disease; and providing for the State Board of Health or one who is under them to visit all stock reported to have charbon; and providing for the isolation of same and for the isolation of all stock exposed to said disease and authority to destroy infected stock and providing for the destruction of the carcasses of stock dying from charbon or supposed to have died from same, and prohibiting certain stock from running at large between the first day of May and the first day of October in any county where charbon is prevalent or where same may become prevalent; and providing for the prohibiting of such stock in counties and subdivisions thereof where charbon is prevalent, or where same may become prevalent, from running at large in such counties or subdivisions thereof, to be determined by election by the qualified voters of such counties, providing the manner of holding such elections regulating the terms and conditions thereof, and the carrying into effect of such elections so to be held; and providing adequate penalties for enforcing such law, and repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

And find it correctly engrossed.

COFER, Chairman.

Committee Room.

Austin, Texas, Aug. 26, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 49, "An Act to increase the authority of the commissioners court of Tarrant county, Texas, and of the commissioners of said county, to require said commissioners to devote their entire time to affairs of said county, to provide for a road engineer of said county, at the option of the commissioners court, to fix the salary for the members of said court, and declaring an emergency."

And find it correctly enrolled, and have this day, at 6:30 o'clock p. m., presented same to the Governor for his approval.

PERKINS, Acting Chairman.

Committee Room,

Austin, Texas, Aug. 26, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Free Conference Committee Substitute for Senate bill No. 3, "An Act making an appropriation for the support of the State Government for two years, beginning August 31, 1911, and ending August 31, 1913, and for other purposes, and declaring an emergency."

And find it correctly enrolled, and have this day at 6:30 o'clock p. m., presented same to the Governor for his approval.

PERKINS, Acting Chairman.

TWENTY-FIFTH, DAY.

Senate Chamber,

Austin, Texas,

Monday, Aug. 28, 1911.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Davidson.

Roll called, quorum being present, the following Senators answering to their names:

Adams.	Murray.
Astin.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

McNealus.

Absent—Excused.

Ratliff.

Willacy.

Prayer by the Chaplain.

Pending the reading of the Journal of Saturday, on motion of Senator Perkins, the same was dispensed with.

See Appendix for standing committee reports.

Morning call concluded.

SIMPLE RESOLUTION.

By Senator Collins:

Whereas, Hon. A. W. Gregg, Hon. James Young, Hon. R. L. Henry and Hon. Oscar Calloway, distinguished Congressmen from Texas, are within the Capitol, therefore be it

Resolved, That they be invited to address the Senate.

COLLINS,
COFER.

The above resolution was read and adopted.

Senators Collins, Hume and Townsend were appointed as a committee to escort the above named gentlemen to the President's stand.

Mr. Young, being present on the Senate floor, was accompanied to the President's stand and addressed the Senate.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, Aug. 28, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 48, A bill to be entitled "An Act to amend an Act entitled 'An Act to authorize and empower Lamar county or any political subdivision of said county by a vote of a two-thirds majority of the resident property tax payers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work; and to repeal Chapter 72 of the Special Laws of the Thirty-first Legislature, creating a special road law for Lamar county, approved March 17, 1909, and declaring an emergency,' passed at the Third Called Session of the Thirty-first Legislature, and ap-